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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 13 November 2006 from the Permanent Representative of Canada to the United Nations addressed to the Chairman of the Committee

With reference to your letter dated 1 November 2006, I am pleased to submit Canada's report on the implementation of Security Council resolution 1718 (2006), pertaining to the Democratic People's Republic of Korea (see annex).

(*Signed*) John **McNee**
Ambassador
Permanent Representative

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Annex to the letter dated 13 November 2006 from the Permanent Representative of Canada to the United Nations addressed to the Chairman of the Committee

[Original: English/French]

Report of Canada on the implementation of measures decided by Security Council resolution 1718 (2006)

Paragraph 11 of Security Council Resolution 1718 (2006) of 14 October 2006 (the Resolution) requests all Member States to report to the Security Council, within thirty days from the date of adoption of the Resolution, on the steps taken to implement effectively the provisions of paragraph 8 of the Resolution.

Canada wishes to inform the Committee that it is effectively implementing all measures mandated by paragraph 8 through the application of the *Regulations Implementing the United Nations Resolution on the Democratic People's Republic of Korea* (the *DPRK Regulations*) (SOR/2006/287) made under the *United Nations Act*, the *Export and Import Permits Act* and the *Immigration and Refugee Protection Act* as follows :

Paragraph 8(a):

All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction related programmes;

(iii) Luxury goods.

Pursuant to section 3 of the DPRK Regulations, all Canadians and all persons and entities in Canada are prohibited from exporting, selling, supplying, transferring or shipping, directly or indirectly, any of the items covered in subparagraphs 8(a)(i) to (iii) of the Resolution to the DPRK or any person in the DPRK. Also, pursuant to section 4 of the DPRK Regulations, owners or masters of Canadian ships and operators of aircraft registered in Canada may not carry, cause to be carried or permit to be carried any of the items covered in subparagraphs 8(a)(i) to (iii) of the Resolution to the DPRK.

In addition, pursuant to section 10 of the DPRK Regulations, all persons in Canada and all Canadians abroad are prohibited from doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by sections 3 and 4.

Moreover, the *Export and Import Permits Act* requires a permit for the export from Canada of all goods listed on the *Export Control List*. All military and strategic dual-use goods, as defined by the appropriate international export control regimes, are listed on the *Export Control List*, and therefore require a permit. Since the Resolution was passed, no permit has been issued for the export of military or strategic dual-use goods from Canada to the DPRK, nor will permits be issued while the sanctions mandated by 8(a)(i) and 8(a)(ii) of the Resolution remain in effect.

Paragraph 8(b):

The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK.

Pursuant to section 5 of the DPRK Regulations, all Canadians and all persons and entities in Canada are prohibited from importing, buying or procuring from the DPRK any of the items covered in subparagraphs 8(a)(i) and 8(a)(ii) of the Resolution. Also, pursuant to section 6 of the DPRK Regulations, owners or masters of Canadian ships and operators of aircrafts registered in Canada may not carry, cause to be carried or permit to be carried any of those items.

In addition, pursuant to section 10 of the DPRK Regulations, all persons in Canada and all Canadians abroad are prohibited from doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by sections 5 and 6.

Moreover, many of the goods set out in para 8(a)(i) and 8(a)(ii) are subject to import controls under the Import Control List under the *Export and Imports Permits Act*.

Paragraph 8(c):

All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii)above.

Pursuant to section 7 of the DPRK Regulations, all Canadians and all persons and entities in Canada are prohibited from providing or transferring technical assistance related to the provision, manufacture, maintenance or use of any of the items covered in subparagraphs 8(a)(i) and 8(a)(ii) of the Resolution. In addition, pursuant to section 8 of the DPRK Regulations, all Canadians and all persons and entities in Canada are prohibited from accepting the provision or transfer, from any person in the DPRK or from any citizen of the DPRK, of technical assistance

related to the provision, manufacture, maintenance or use of the items covered in subparagraphs 8(a)(i) and 8(a)(ii) of the Resolution.

In addition, pursuant to section 10 of the DPRK Regulations, all persons in Canada and all Canadians abroad are prohibited from doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by sections 7 and 8.

Moreover, the *Export and Import Permits Act* requires a permit for the export from Canada of technology listed on the *Export Control List*. Technology (including technical training, advice, services or assistance) as defined by the appropriate international export control regimes, is listed on the *Export Control List*, and therefore requires a permit when transferred from Canada. Since the Resolution was passed, no permit has been issued for the export of technology from Canada to the DPRK, nor will permits be issued while the sanctions mandated by 8(a)(i) and 8(a)(ii) of the Resolution remain in effect.

Paragraph 8(d):

All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities.

Pursuant to section 9 of the DPRK Regulations, all persons in Canada and all Canadians outside Canada are prohibited from:

a) dealing, directly or indirectly, in any property in Canada as at October 14, 2006 or at any time after that date, that is owned or controlled, directly or indirectly, by a designated person (i.e. persons designated by the Security Council or the 1718 Committee) or by a person acting on behalf of, or at the direction of, a designated person;

b) entering into or facilitating financial transaction related to dealings referred to in paragraph a) above;

c) providing financial or related services in respect of the property referred to in paragraph a) above; or

d) making any property or any financial or other related service available, directly or indirectly, to or for the benefit of a designated person.

In accordance with paragraph 9 of the Resolution, section 15 of the DPRK Regulations also allows for exemptions to the assets freeze.

In addition, pursuant to section 10 of the DPRK Regulations, all persons in Canada and all Canadians abroad are prohibited from doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by sections 9.

Paragraph 8(e):

All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory.

Section 35 of the *Immigration and Refugee Protection Act* enables Canada to prevent the entry into or transit through its territory of all persons to be designated by the Security Council or the Committee of the Security Council. The *Immigration and Refugee Protection Act* also allows for exemptions to the travel ban in accordance with paragraph 10 of the Resolution.

Ottawa, November 13, 2006